

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

JORY STRIZICH,

Plaintiff,

vs.

BOB EDWARDS, DAN O’FALLON,  
KEITH KAULULAAU, and RICHARD  
ENGLISH,

Defendants.

CV 16-00034-GF-BMM-JTJ

ORDER AND FINDINGS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE

Plaintiff Jory Strizich filed a request for a preliminary injunction as part of his Complaint (Doc. 2). But on October 4, 2016, Mr. Strizich filed a Notice of Change of Address in another case filed in this Court indicating that he was released from custody on September 15, 2016. *See Strizich v. Kirkegard, et al.*, Civil Action No. 16-CV-12-H-DLC-JTJ, Doc. 13. As such, Mr. Strizich’s claims for injunctive relief are now moot.

“An inmate’s release from prison while his claims are pending generally will moot any claims for injunctive relief relating to the prison’s policies unless the suit has been certified as a class action.” *Dilley v. Gunn*, 64 F.3d 1365, 1368 (9th Cir. 1995); *see also Alvarez v. Hill*, 667 F.3d 1061, 1063-64 (9th Cir. 2012) (former inmate’s declaratory and injunctive relief claims moot following release from

custody).

The Court makes no ruling on the merits of Mr. Strizich's claims.

Accordingly, the Court issues the following:

### **ORDER**

The Clerk of Court is directed to update Mr. Strizich's address to 925 1st Avenue North, #205, Great Falls, MT 59401.

Further, the Court issues the following:

### **RECOMMENDATION**

Mr. Strizich's claims for injunctive relief as contained in his Complaint (Doc. 2) should be **DENIED AS MOOT**.

### **NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.<sup>1</sup> 28 U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of

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<sup>1</sup>As this deadline allows a party to act after the Findings and Recommendations is "served," it falls under Fed.R.Civ.P. 6(d). Therefore, three (3) days are added after the period would otherwise expire.

Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed until entry of the District Court's final judgment.

DATED this 5th day of October 2016.

/s/ John Johnston  
John Johnston  
United States Magistrate Judge